

REMARKS

By this Amendment, Claims 1, 3, 4, 7, 9, 12, 13, 16 and 18-26 have been amended, to place this application in immediate condition for allowance. Before proceeding further, Applicant incorporates by reference the citations of case law precedents set forth on pages 11-14 of the Amendment filed on January 4, 2008.

In the outstanding Office Action, the Examiner has rejected all of the remaining claims, namely, Claims 1, 3, 4, 7, 9, 12, 13, 16 and 18-26, under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 4,364,144 to Moss et al. in view of U.S. Patent No. 5,953,784 to Suzuki et al. The Examiner has made the following explanation of the justification for this ground of rejection:

“Moss et al. teaches a cleaner, characterized in that a fringe belt is attached to a surface of a cleaner body comprising an insertion portion, 4, into which a supporting body for supporting the cleaner is inserted, the supporting body being a handle, having supporting rods corresponding to the insertion portion of the cleaner body and a grip, 2. Moss et al. also teaches that the fringe belt is comprised of a large number of fringes on a side in a longitudinal direction and a fringe supporting section for supporting each of the fringes, the fringe belt being made of non-woven fabric, the fringe belt overlaps, (col. 4, lines 6-15) and (col. 1, lines 22-24 and col. 2, lines 20-51). Moss et al. teaches all the limitations of the claims except for the fringe belts being fusion-bonded to the surface of the cleaner, a fiber bound body which is obtained by bundling a large numbers of fibers being fusion bonded to the surface of the cleaner, the fringe belt being fuse-bonded to the periphery of the fiber bound body, the fringe belt being convexly curved in a direction of inserting the supporting body and the cleaner body is provided with a sheet material with water-absorbing properties at a back surface opposite to the surface of the fringe belts. Suzuki et al. teaches fusion-bonding fabric materials to the insertion portion of a cleaning body, and the cleaning body having a large number of water-absorbing fibers fusion-bonded to the surface of the cleaner, around the peripheral edge, (col. 13, lines 28-38), and the cleaner body being a water-absorbing material on a surface opposite

the side with the fringe belts, (col. 6, lines 3-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the invention of Moss et al. with the above listed limitations, as taught by Suzuki et al., in order to enhance the cleaning capabilities. It would have been further obvious to provide the tool of Moss with the fringe belt being fuse-bonded to the periphery of the fiber bound body, the fringe belt being convexly curved in a direction of inserting the supporting body, since Moss teaches that the fringe material can be attached at various locations of the cleaning body, and Suzuki teaches attaching the material around the periphery of the cleaning body, and since the cleaning body of Suzuki is in a convexly curved configuration, that would mean that the fringe material is attached in a convexly curved direction, and as a matter of obvious design choice.”

In rebuttal of the arguments set forth in the Amendment of January 4, 2008, the Examiner has stated the following:

“The Applicant argues that there is no motivation to combine the Moss and Suzuki references. The Examiner disagrees. Moss teaches a cleaner with a fringe belt attached to a surface of a cleaner body, and the fringe belt being comprised of a large number of fringes. Moss teaches attaching the fringe material on various areas of the cleaner body, (col. 1, lines 21-54), and since it is taught that the fringe can be attached at many different positions one would be able to attach the fringe to the periphery. Suzuki has been cited to show that one can join the fibers by fusion bonding. The Applicant argues that there is no motivation to combine the references, but the Examiner disagrees. Moss teaches attaching the fiber by sewing, and Suzuki teaches attaching the material to the cleaning body by sewing or heat sealing, (col. 13, lines 32-37), therefore one can attach the fringes of Moss by heat sealing or fusion bonding, as taught by Suzuki. Suzuki further teaches that the materials are attached to the peripheral edge. Moss teaches that different types of backing material can be used for the cleaning sleeve, (col. 2, lines 33-34), and Suzuki teaches that the cleaning cloth is a non-woven fabric composed of PET, on the cleaning surface side, (col. 6, lines 13-37). Therefore, one could attach the fiber material of Moss on the side of the cleaning cloth opposite the cleaning side, as taught by Suzuki.”

Applicant must respectfully disagree with this position as taken by the Examiner. In so rejecting the claims, the Examiner has alleged that Suzuki et al. teach fusion-bonding fabric

materials to the insertion portion of a cleaning body, and the cleaning body having a large number of water-absorbing fibers fusion-bonded to the surface of the cleaner around the peripheral edge, and the cleaner body being a water-absorbing material on a surface opposite the side with the fringe belt. However, Applicant notes that Suzuki et al. do not teach nor suggest use of a water-absorbing fiber. Rather, Suzuki et al. disclose that the non-woven fabric constituting the cleaning cloth “is preferably a non-woven fabric composed of a fibrous material which is excellent in dust absorbing properties and anti-wear properties.” See Suzuki et al., column 6, lines 15-18. As such, there is no teaching or suggestion of use of a water-absorbing fiber.

Additionally, the Examiner alleges that Suzuki et al. further teach that the materials are attached to the peripheral edge. See page 4 of the Office Action, lines 9-10. However, with reference to Suzuki et al., the materials 33' thereof which are shown in Figures 30a and 30b thereof are disposed so as to extend from both the side edges of the cleaning cloth 31'. By contrast, the fringe belt of the present invention, which has fringes formed to extend therefrom, is convexly curved along a peripheral shape of the cleaner body. In this regard, reference is made to paragraph [0057] of the Published Application, with reference to reference numerals 13a and 13b as follows:

“The first fringe belt 13a and the second fringe belt 13b are convexly curved in a direction extending from the insertion portions 20 respectively toward the bottom of the interspace 21, and are arranged on a surface of at least one (sheet 7) of the sheets 7, 8 so as to be overlapped with one another in a direction from the inside to the outside.”

This is a clear distinction from the teachings of Suzuki et al.

Accordingly, in order to clearly patentably distinguish the present invention from the teachings of the combination of Moss et al. and Suzuki et al., the claims have been thoroughly revised and amended. In particular, reference is made to independent Claims 1, 13 and 19 each of which specifies the convex curvature of the fringe belt. This structure is nowhere taught or suggested by either Moss et al. or Suzuki et al. This is acknowledged by the Examiner on page 3 of the Office Action where, without reference to any prior art teaching, the Examiner has alleged that it would be obvious to provide the fringe belt with a convex curvature. See page 3 of the Office Action, lines 8-15, quoted above. In representing that the convex curvature of the fringe belt is an obvious matter of design choice, the Examiner is demonstrating a lack of a *prima facie* case for obviousness. The prior art references fail to teach this specific claim limitation. The Examiner is not permitted to use the inventor's patent application as an instruction book on how to reconstruct the prior art. *Panduit Corp.* (see pp. 13-14, Amendment of January 4, 2008). Moreover, the Examiner may not use Applicant's own disclosure as a blueprint to combine the prior art. *Heidelberger Druckmaschinenag.* See Amendment of January 4, 2008 at 13. Thus, the Examiner has failed to establish a *prima facie* case for obviousness and the ground of rejection applied against the claims as previously presented was inappropriate then and is inapplicable to the claims as now amended.

Accordingly, reconsideration and allowance of this application are respectfully solicited. If, for any reason, the Examiner believes that an interview with Applicant's Attorney would be helpful in expediting the prosecution of this patent application, the Examiner is respectfully requested to telephone Applicant's Attorney locally at 703-619-0101, so that a discussion of any outstanding issues may be had.

Again, reconsideration and allowance of this application are respectfully solicited.

Respectfully submitted,

H. JAY SPIEGEL & ASSOCIATES



H. Jay Spiegel
Attorney for Applicant
Registration No. 30,722

H. JAY SPIEGEL & ASSOCIATES
P.O. Box 11
Mount Vernon, Virginia 22121
(703) 619-0101 - Phone
(703) 619-0110- Facsimile
jayspiegel@aol.com - e-mail